



# Clay County Board Minutes



## COUNTY BOARD OF SUPERVISORS PROCEEDINGS

Courthouse, Clay Center, Nebraska, April 19, 2011 at 9:00 A.M.

The Clay County Board of Supervisors met April 19, 2011 as per public notice given in the Clay County News on April 13, 2011 a copy of the proof of publication being on file in the County Clerk's Office. Availability of the agenda was communicated in the advance notice of the meeting and on the county website. Chairman Fintel presided with roll call showing the following present: Nuss, Samuelson, Anderson, Johnson, Shaw, Schmidt and Fintel. Minutes of the meeting held April 12, 2011 were sent to the board members. All of the proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman, Fintel stated that the open meeting law poster is posted on the west wall in the back of the room.

Motion by Johnson and seconded by Nuss to approve the minutes of the meeting held April 12, 2011 as mailed. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

There were other people present at this time. The chairman asked if there was any Public Input at this time; hearing none the board discussed gas suppliers. The clerk's office was directed to call for quotes.

Thomas Roemmich II, Highway Superintendent reported that they were working on driveways and culverts; servicing equipment and trimming trees.

An easement request from Windstream was discussed. Motion by Nuss and seconded by Shaw to approve the request from Windstream NE Inc. to replace a buried communications facility between Section 25 T-8-N, R-5-W and Section 36 T-8-N, R-5-W near Sutton; work order #71501007000024; scheduled to be completed by May 18, 2011 weather permitting. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried.

As part of the procedure for closing a township road, the board discussed advertising for the Public Hearing. Motion by Nuss and seconded by Schmidt to advertise for a Public Hearing concerning the closing of the North .2 mile Road R between Sections 2 & 3 of Eldorado Township; hearing to be held May 17, 2011 at 9:15 A.M. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

The Highway Supt. had checked with area contractors to see what was being charged for equipment usage. The proposed equipment rates for 2011 were presented as follows: Motorgader \$125.00, Excavator \$150.00, Scraper \$150.00, Dozer \$150.00, Loader \$125.00, Backhoe \$110.00, Skidsteer loader \$75.00, Roller \$75.00, 10 yd Dump Truck \$85.00, 5 yd Dump Truck \$75.00, Bellydump \$100.00. All rates are at a per hour basis with a 1 hour minimum.

Motion by Shaw and seconded by Schmidt to approve the 2011 Clay County Equipment Rates as presented by the Highway Superintendent to be effective immediately. On roll



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call, yea: Johnson, Shaw, Nuss, Samuelson, Anderson, Schmidt and Fintel. Motion carried.

The board discussed contracting out some of the tree removal work that is now being done by the road department. Per hour versus per job bidding was discussed. It was suggested that the work should be bid per job with a budgeted amount to be spent; the areas of need be determined, bids be accepted with a time frame for the work to be completed and clean up requirements. After discussion, it was decided to wait and see if there is a need and address it at that time.

Rates for natural gas from the different suppliers were discussed. Motion by Johnson and seconded by Nuss to lock in the fixed rate per therm from ONEOK Energy Marketing at \$.68.1 for the next year. On roll call, yea: Shaw, Nuss, Samuelson, Anderson, Schmidt, Johnson and Fintel. Motion carried.

The chairman asked if there was any discussion on the budget projections; there was none.

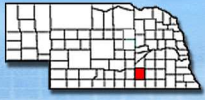
The emergency management committee was asked if they had anything to report. Supervisor Shaw asked if everyone had looked at the proposal from Adams County. Supervisor Johnson said they needed to talk to Nuckolls County again. Shaw said they would like to wait and discuss this more after the discussion with the concerned citizens.

How to set up times, places, etc. for communication with employees was discussed. It was decided to wait until after the benefits renewal period to set up meetings with the employees. Those times may be scheduled on regular meeting days after July 1<sup>st</sup>.

The chairman told the board that there is discrepancy of who is on and who shouldn't be on the 911 committee; that committee is appointed by the Board of Supervisors and that he has been visiting with Loren Uden to see where the county wants to go with the 911 committee. Loren will contact current committee members to see if they want to remain on the committee. It was suggested to keep the committee small and perhaps appoint a supervisor to that committee; the board of supervisors would give the committee guidelines on what to spend the money on to improve the system, things to improve on, develop a plan and move forward. A priority would be to appoint a chairperson.

The board had asked Tina Nelson to be present for discussion on the ID machine. The chairman told the board that he had met with Tina and Loren the day before. In that discussion, it was suggested to keep things as simple as possible and to possibly purchase a scanner to scan Drivers Licenses. The Drivers License information would supply the basic information needed to get started with the ID badges; any additional information could be added later. Additional scanners may be needed to have in the field should a disaster happen; also a lap top computer may be needed. The need for more zip drives was discussed; 4 drives should be sufficient.

At this time a 5 minute break was taken.



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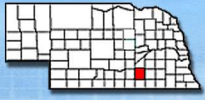
A committee of concerned citizens met with the board to discuss emergency management in Clay County. Two members of the group were identified as the primary speakers. The conversation was started with the group stating they would like Bob Rose reinstated as the Emergency Manager for a year or so to get things going and to continue things that had been started; 911 and Code Red and where the mapping system is at were also mentioned as concerns. The main concern is the Emergency Manager and they don't feel that the multiple county option would be good for Clay County. There is concern that with a regional approach that Clay County could get short changed. It was expressed that the relationship with Bob and Carol was fantastic, the volunteers knew what needed to be done, communication was good; there is concern that the volunteers will have to do a lot of the leg work. It was mentioned that Bob was a wealth of knowledge and resource and had things worked out ahead of time.

The board responded that the regional option was not the only option and if this was pursued, Clay and Nuckolls counties would each have a deputy emergency manager. For those who were not in attendance earlier, the chairman reported some of the conversation on the 911 center and the ID machine. With regard to Code Red, Loren said the process has always been there, the data base hasn't changed and everyone (who needs them) now has the codes and can launch on their own. The administrator of the system has to approve the weather information. Data entry has been through the Sheriff's office. Loren said all the data hasn't come in, need data to come in for fire departments. A spokesperson said that information had been turned in once but they could do it again. Loren said he knew the groups were there but hadn't checked all of them to see if the data was there; he will do that.

It was mentioned that communication seemed to be an issue; wanted to know at what point Loren's specific duties would be known so that the chain of command would be known. Loren replied that his proposal was for emergency management related work up to 30 hours a week. He is responsible for emergency management functions and keeping Jeff informed of those needs; Ivan gets a log of everything he is doing and he is consulting with Jeff.

SRT (Special Response Team) was discussed. It was explained as a mutual aid agreement between all law enforcement in the county; this form of agreement would allow the agencies involved in the agreement to be able to get funding. There seemed to be confusion as to how it got started and what the specific function would be. Initial funding was coming from grant money. The group wanted to know what the boards thoughts were on this; if they were for or against it. Sheriff Franklin said he had asked for an extension from the Region until the Board had time to review it; need an answer for the Region by May 31<sup>st</sup> to be able to use the money or relinquish it. The chairman said this would be placed on the next agenda.

LEOP (Local Emergency Operating Procedure), LEPC (Local Emergency Planning Committee) and Hazmat were discussed. It was expressed that the Local Emergency Planning Committee wants to continue and wants the support and approval of the county board. The chairman said the board wants it to keep going and wants more communication. The response was that with two county board members on the committee the entire board should be informed. The question was raised as to why the hazmat team had not been notified during a recent incident; the sheriff replied that he



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didn't have a list of who is on LEPC. LEPC is structured off of LEOP; the structure is there, all the names, etc. just need to get back to the process.

Loren explained that the paracleet system at the local level was a system to patch frequencies together. The state is still working on making county to county connections work and exercise training officers have been appointed to re-train counties. When that training is available, they will make sure it happens.

The status of the mapping system was discussed. A map printer was purchased and placed in the Assessor's office but it was explained that it is a 5 year process to get all the GIS information entered. The sheriff's office has information from the past; not totally updated. The sheriff would like Ken Spray to be involved in transferring that information from the Sheriff's office to the Assessor's office. The fire districts have been requesting maps. Maps defining boundaries would be helpful for mutual aid response and especially for those districts that fall within another county's boundaries. Maps for the fire districts may be available from a different source; Loren will check into this.

The chairman told the group that the board would like to keep the communications going and encouraged them to get on the agenda if they had questions or concerns. He also asked for any closing comments. It was stated that this group would like to see the board address the items discussed, prioritize what needs to be done and appoint someone to get it done. The chairman said they would prioritize and proceed as promptly as they can. The board thanked everyone for their input and the group expressed appreciation for being allowed the time.

Motion by Shaw and seconded by Nuss to open the public hearing concerning closure of parts of Center and Railroad Streets in Eldorado at 11:32 A.M. On roll call, yea: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Motion carried.

The County Attorney, Highway Superintendent and Duane Katt, Katt Surveying were also present at this time; no written comments or objections were presented. Ted Griess, County Attorney stated that the streets had not existed as true streets even though they had been platted. Duane Katt, who had prepared the survey, said that the platted streets don't fit with any current access being used. Tom Roemmich, Highway Superintendent stated that the area is being used by the Co-op and if developed in the future it would be by Aurora Co-op. He recommends closing those streets and doesn't see any problems associated with doing so.

Motion by Samuelson and seconded by Shaw to close the public hearing at 11:40 A. M. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

Motion by Nuss and seconded by Samuelson to adopt Resolution #11-04 to abandoned parts of Center Street and Railroad Street in Unincorporated Eldorado. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried.

Resolution # 11-04





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WHEREAS, the Clay County Board of Supervisors did direct the Clay County Highway Supt. to study the advisability of abandoning the following streets in Unincorporated Eldorado described as:

A tract of land comprising a part of "Center Street" and a part of "Railroad Street" of Unincorporated Eldorado, a part of the Northeast Quarter of the Northeast Quarter (NE1/4, NE1/4), Section Nine (9), Township Eight (8) North, Range Six (6) West, Clay County, Nebraska. More particularly described as follows:

Beginning at the northwest corner of Lot Six (6), Block Six (6) of said Unincorporated Eldorado; thence N00 00'05"W on and upon the lot line of "Outlot 'E' Revised" a distance of Forty (40.00) feet to a point; thence S89 48'11"W on and upon the lot line of said "Outlot 'E' Revised" a distance of Twenty Eight and Eighty Hundredths (28.80) feet to a point; thence N14 43'19"W on and upon the lot line of said "Outlot 'E' Revised" a distance of Eighty and Ten Hundredths (80.10) feet to a point on the northerly line of said "Railroad Street"; thence N48 16'42"E on and upon the northerly line of said "Railroad Street" a distance of Two Hundred Eighty Four and Forty Seven Hundredths (284.47) feet to a point on the westerly right-of-way line of "Nebraska Highway #14"; thence S00 03'53"E on and upon the westerly right-of-way line of said "Nebraska Highway #14" a distance of One Hundred Eight and Fifty Six Hundredths (108.56) feet to a point on the northerly line of Block Four (4) of said Unincorporated Eldorado; thence S89 48'11"W on and upon the northerly line of said Block Four (4) a distance of One and Sixty Eight Hundredths (1.68) feet to the northwest corner of said Block Four (4); thence S48 16'42"W on and upon the westerly line of said Block Four (4) a distance of One Hundred Fifty and Eighty Four Hundredths (150.84) feet to the southwest corner of Block Four (4); thence N89 48'11"E on and upon the southerly line of said Block Four (4) a distance of One Hundred Fourteen and Thirty Eight Hundredths (114.38) feet to a point on the westerly right-of-way line of said "Nebraska Highway #14"; thence S00 03'53"E on and upon the westerly right-of-way line of said "Nebraska Highway #14" a distance of Eighty (80.00) feet to a point on the northerly line of said Block Six (6); thence S89 48'11"W on and upon the northerly line of said Block Six (6) a distance of One Hundred Thirty and Fifty Five Hundredths (130.55) feet to the Point of Beginning. Said tract contains 0.703 acres more or less.

AND WHEREAS, the Clay County Highway Supt. reported that the above said property is currently being used for agriculture production and there are no plans for development in the future, the Clay County Highway Supt. recommends that it would be in the best interest of the public to abandon the above said streets.

BE IT RESOLVED, by the Clay County Board of Supervisors, upon recommendation of the Clay County Highway Supt., and in the best interest of the public, do hereby declare the streets in the above said legal description be abandoned.

Motion by Nuss, Second by Samuelson, Yea: 7 Nay: 0 Absent: 0

Dated this 19th day of April 2011

/s/ Ivan Fintel, Board Chairman

/s/ Deb Karnatz, County Clerk



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Ted reported that the questions he had concerning the agreement with Loren Uden had been resolved. Motion by Johnson and seconded by Shaw to authorize the chairman to sign the Work for Hire Agreement between Clay County and Loren Uden of HSPET Consultants for consultant purposes. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

How to get emergency management files and any equipment that remains with Bob Rose was discussed. Loren will see Bob tomorrow and try to help with the transition process. It was reported that there are concerns with Loren sharing an office in the Sheriff's office. It was decided to leave it as is for now.

The board asked the Assessor if she would come back in the afternoon for Board of Equalization. At this time the board recessed for lunch.

The board resumed session at 12:45 P.M. Anderson was not present.

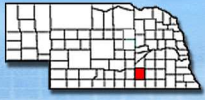
The board asked Jeff Franklin and Loren Uden to return for follow up discussion and direction. The board talked to Jeff about SRT; Jeff told the board he wanted their guidance. Funding was discussed; Jeff gave the board a couple of names to contact with questions. Loren stated that the mutual aid agreement that the board signed said the EM was their representative, the Region board assumed that they (county board) had approved of the program and designation of funds. The board said they need to know more about this; Loren advised that they look at the proposal and decide if this is of value or not of value to them. The board spoke with Loren about priorities for 911; forming a subcommittee was discussed. Mapping and improving communication were also discussed. The chain of command would be: Loren 1<sup>st</sup> contact; Jeff next if can't get a hold of Loren. Loren will look into the LEPC regs and LEOP regarding notification for Hazmat. Different regional options were discussed; the board asked Loren for his opinion; he stated the first thing would be to decide if they want a response agency or recovery agency and go from there.

Motion by Nuss and seconded by Shaw to recess at 1:27 P.M. to enter session as the Board of Equalization. On roll call, yea: Johnson, Shaw, Nuss, Samuelson, Schmidt and Fintel; absent: Anderson. Motion carried.

Motion by Shaw and seconded by Samuelson to resume session as the Board of Supervisors at 1:51 P.M. On roll call, yea: Shaw, Nuss, Samuelson, Schmidt, Johnson and Fintel; absent: Anderson. Motion carried.

The water damage and related problems in the Assessor's office were discussed. The proposal from C-Tech was reviewed. Another company will be contacted to see if they are interested in submitting a proposal. This will be discussed again next week.

The fee report for County Court was presented. Motion by Johnson and seconded by Samuelson to accept the fee report from County Court for March 2011 in the amount of \$10,109.44. On roll call, yea: Nuss, Samuelson, Schmidt, Johnson, Shaw and Fintel; absent: Anderson. Motion carried.



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The board spent some time reviewing the discussions and concerns of the morning and discussing how to address the concerns and move forward. The 911 committee will be contacted; the formation of a subcommittee will be explored; paraclete concerns fall under 911. Obtaining maps for the fire districts will be explored. LEPC is well organized; keep communicating. Loren will get prices for scanners and what is needed to make the ID system more mobile; keep working on Code Red. Improve communication.

Motion by Nuss and seconded by Shaw to adjourn this meeting at 3:37 P.M.; next meeting scheduled for April 26, 2011. On roll call, yea: Samuelson, Schmidt, Johnson, Shaw, Nuss and Fintel; absent: Anderson. Motion carried.

Deborah Karnatz, County Clerk

Ivan Fintel, Chairman